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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,772	02/27/2004	Robert R. Miniaci	037A.0001.U1(US)	1888
29683	7590	11/29/2005	EXAMINER	
HARRINGTON & SMITH, LLP 4 RESEARCH DRIVE SHELTON, CT 06484-6212			FULLER, RODNEY EVAN	
			ART UNIT	PAPER NUMBER
			2851	

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/789,772

Applicant(s)

MINIACI, ROBERT R.

Examiner

Rodney E. Fuller

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-12 and 14-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-12 and 14-20 is/are rejected.
- 7) ☒ Claim(s) 1-6 and 8-12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

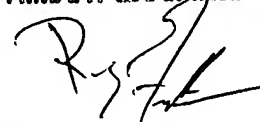
- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

RODNEY FULLER
PRIMARY EXAMINER

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Remarks

Regarding the Claim Objections of Claims 1 and 9, the applicant makes the argument (citing the MPEP) that “the fact that claim language, including terms of degree, may not be precise, does not automatically render the claim indefinite.” The examiner maintains that the limitation “horizontally” is not a “term of degree” and maintains the objections.

Regarding the claim objection of Claims 3, 6, 12 and 14, the examiner has considered the applicant’s arguments and withdraws the objections.

Regarding the rejection of claim 1, the applicant makes the argument that “Fig. 2 of Gibbon et al. merely appears to disclose that the center outer diameter of the lamp is bulb 48 is about the same size as the hole 36a in the collector.” Further, the applicant makes the argument that “as can be seen in the attached copy of Fig. 2 with perpendicular lines drawn down from the top of the projector, the center outer diameter of the lamp bulb 48 is about the same size as the hole 36a in the collector 36.” The examiner notes that there was no copy of Figure 2 provided with the Amendment dated September 9, 2005. However, the examiner has made an enlargement of Figure 2 and added lines drawn down from the top of the projector as suggested by the applicant. As can be clearly seen, the diameter is slightly larger than the center outer diameter of the lamp bulb.

Regarding the rejection of claim 9, the applicant makes the argument that “there appears to be no ring shaped gap visible by an operator when looking down the axis of

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the bulb disclosed or suggested in Gibbons et al.” Giving that the hole size is larger than the outer diameter of the bulb as noted above, there would be a ring shaped gap visible.

Regarding the rejection of claim 14, the applicant makes the argument that “nowhere in Gibbon et al., is there a disclosure of a retrofit kit.” In response to applicant’s arguments, the recitation of a “A motion picture film projector retrofit kit” has not been given patentable weight because it has been held that a preamble is denied the effect of a limitation where the claim is drawn to a structure and the portion of the claim following the preamble is a self-contained description of the structure not depending for completeness upon the introductory clause. *Kropa v. Robie*, 88 USPQ 478 (CCPA 1951).

Regarding the rejection of claim 20, the applicant makes the argument that Gibbon does not set forth the specific method steps as claimed. The examiner maintains that the manufacture (i.e, providing component parts and assembly) of the reflector bulb assembly of Gibbon would anticipate the claimed method steps.

Thus, the examiner has considered the applicant’s arguments and maintains the rejections set forth in the Office Action dated June 10, 2005.

Claim Objections

1. Claims 1-6 and 8-12 are objected to because of the following items:

- a. (Claims 1, 9): The limitations sets forth that the "lamp bulb is aligned generally horizontally." The term "horizontally" is a relative term, and the reference to which the bulb is horizontally aligned is not set forth.
 - b. Claims 2-6 and 8 depend from claim 1 and therefore include the deficiencies of claim 1.
 - c. Claims 10-12 depend from claim 9 and therefore include the deficiencies of claim 9.
- Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 9, 11, 12, 14, 19 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Gibbon, et al. (US 6,736,527).

Regarding claims 9, 14 and 20, Gibbon discloses "a lamp bulb (Fig. 2, ref.# 48) aligned generally horizontally (relative term); a reflector (Fig. 2, ref.# 36) having a rear aperture (Fig. 2, ref.# 36a) with a portion of the lamp bulb extending there through, wherein the rear aperture is larger than a center outer diameter of the lamp bulb (size

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apparent from Fig. 2), wherein the lamp bulb and the reflector are sized and shaped such that an operator looking rearward from a front side of the lamp bulb and reflector, and looking generally coaxially relative to a center longitudinal axis of the lamp bulb, can see a general ring shaped gap between the reflector and the lamp bulb when the lamp bulb is aligned relative to the reflector(size apparent from Fig. 2)."

Regarding claims 11 and 14, Gibbon discloses "a lamp bulb anode adaptor (Fig. 2, ref.# 38), attached to a lamp bulb anode (Fig. 2, ref.# 44) of the lamp house, which is sized and shaped to space a rear end of the lamp bulb (Fig. 2, ref.# 48) forward from the lamp bulb anode and thereby allow the lamp bulb to be located closer to a front end of the lamp house."

Regarding claim 12, Gibbon discloses "cantilevered front cathode lamp bulb holder (Fig. 2, ref.# 56, 62) which extends in a forward direction and is adapted to be deflected to align a front end of the lamp bulb."

Regarding claim 19, Gibbon discloses "a lamp house section cooling fan (Fig. 2, ref.# F)."

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 15 and 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gibbon, et al. (US 6,736,527).

Regarding claim 15, Gibbon discloses all the structure set forth in the claims except "wherein the reflector comprises a glass reflector for replacing a metal old reflector." However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a glass reflector instead of a metal reflector, since it has been held to be within the general skill of a worker in the art to selected a known material on the basis of suitability for the intended use. *In re Leshin*, 125 USPQ 416.

Regarding claim 17, Gibbon discloses all the structure set forth in the claims except wherein the shutter comprises a shutter of less than about 75 deg." It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Gibbon such that the shutter comprises a shutter of less than about 75 deg., since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

6. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gibbon, et al. (US 6,736,527) in view of Renold (US 4,778,093).

Gibbon discloses all the structure set forth in the claim except "wherein the film movement system comprises a high speed intermittent." The use of a film movement system that comprise a high speed intermittent is routine in the art as is evident from the teaching of Renold (See column 1, lines 9-11). Thus, it would have been obvious to one

of ordinary skill in the art at the time the invention was made to modify Gibbon by including a high speed intermittent. The ordinary artisan would have been motivated to modify Gibbon the manner described above for at least the purpose of allowing the use of large format film (See Renold, column 1, lines 30-36).

7. Claims 1, 2, 3, 4, 6, 8, 10 and 16, are rejected under 35 U.S.C. 103(a) as being unpatentable over Gibbon, et al. (US 6,736,527) in view of Belliveau (US 6,048,080).

Regarding claims 1, 10, 16, Gibbon discloses all the structure set forth in the claims except "wherein the optical member comprises infrared filtering coatings on both a front side and a rear side of the optical member." However, Belliveau discloses a projector system comprising an optical member with infrared filtering coatings provided on both a front side and a rear side of the optical member (See column 5, line 55 – column 7, line 2). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate infrared filtering coatings on both sides of the optical device disclosed by Gibbon. The ordinary artisan would have been motivated to modify Gibbon in the manner described above to reduce the amount of infrared heat reaching the film and thus prevent damage to the film.

Regarding claim 4, a further difference between Gibbon and the claimed invention is "wherein the shutter comprises a shutter of less than about 75 deg." However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Gibbon such that the shutter comprises a shutter of less than about 75 deg., since it has been held that discovering an optimum value of a

result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

Regarding claims 2, Gibbon disclose "wherein the lamp house further comprises a lamp bulb anode adaptor (Fig. 2, ref.# 38), attached to a lamp bulb anode (Fig. 2, ref.# 44) of the lamp house, which is sized and shaped to space a rear end of the lamp bulb (Fig. 2, ref.# 48) forward from the lamp bulb anode and thereby allow the lamp bulb to be located closer to a front end of the lamp house."

Regarding claims 3, Gibbon discloses "wherein the lamp house further comprises a cantilevered front cathode lamp bulb holder (Fig. 2, ref.# 56, 62) which extends in a forward direction and is adapted to be deflected to align a front end of the lamp bulb."

Regarding claim 6, Gibbon discloses "wherein the head section comprises two lens collar (Fig. 1, ref.# 28) at a front end of the head section, and wherein at least one of the lens collars is an eccentric collar."

8. Claims 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gibbon, et al. (US 6,736,527) in view of Belliveau (US 6,048,080) as applied to claims 1 and 4 above, and further in view of Renold (US 4,778,093).

A further difference between modified Gibbon and the claimed invention is "wherein the film movement system comprises a high speed intermittent." However, the use of a film movement system that comprise a high speed intermittent is routine in the art as is evident from the teaching of Renold (See column 1, lines 9-11). Thus, it would

have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gibbon by including a high speed intermittent. The ordinary artisan would have been motivated to modify Gibbon the manner described above for at least the purpose of allowing the use of large format film (See Renold, column 1, lines 30-36).

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

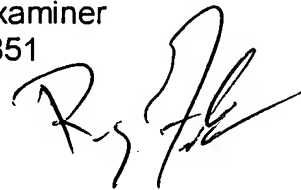
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney E. Fuller whose telephone number is 571-272-2118. The examiner can normally be reached on 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rodney E Fuller
Primary Examiner
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A handwritten signature in black ink, appearing to read 'R. E. Fuller', is written over the printed name and title.

November 28, 2005

